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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,512	02/16/2001	Avi Yaron	12808.13US11	5365
7590 08/26/2005 Merchant, Gould, Smith, Edell Welter & Schmidt 3200 IDS Center 80 South 8th Street Minneapolis, MN 55402			EXAMINER AN, SHAWN S	
			ART UNIT 2613	PAPER NUMBER
DATE MAILED: 08/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/785,512	YARON, AVI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shawn S. An	2613	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20,21,51 and 53-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20,21 and 53-70 is/are allowed.
- 6) ☒ Claim(s) 51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. As per Applicant's instructions as filed on 7/25/05, claims 1-19, 22-50, 52, and 71-72 have been canceled.

### ***Response to Remarks***

2. The indicated allowability of claim 51 is withdrawn in view of the new ground(s) of rejection.

However, this action is made non-final due to a new rejection of claim 51.

### ***Allowable Subject Matter***

3. Claims 20-21 and 53-70 are allowed as having incorporated the allowable subject matter as discussed in the last Office action filed on 5/25/05.

**Note:** Regarding claim 21, the Applicant's representative, Gregory Sebald, previously agreed on adding a claim limitation "a light source" to avoid lack of antecedent basis.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (5,653,677) in view of Street (6,075,555), Iddan et al (5,604,531), and Pourcelot et al (4,605,009).

Art Unit: 2613

**Regarding claim 51**, Okada et al discloses a system for producing a stereoscopic of an object, the system comprising:

a control unit (Fig. 9, 23 or 150);

the system comprising:

a stereoscopic sensor assembly (Fig. 9, elements (26 via 23 via 22), 149;

Note: output signal of 150, Stereoscopic Image; col. 4, lines 50-67; col. 8, lines 41-48);

a processor (150) connected to the sensor assembly;

a transceiver (26 and 27) connected to the processor;

a light source (col. 5, lines 1-7); and

a power supply (Fig. 6, 17) for supplying electrical power, and

an image processing system (150) connected to the control unit

transceiver,

wherein, the sensor assembly detects stereoscopic image, the processor captures the stereoscopic image, the transceiver transmits the stereoscopic image to the control unit and the image processing system processes the stereoscopic image (Fig. 9).

Furthermore, it is considered quite obvious for the power supply to supply electrical power to the capsule transceiver, the processor, the light source, and to the sensor assembly in order to operate all of the electrical devices as specified above.

Okada et al does not particularly disclose a capsule, at least two apertures including a light valve, wherein each of the light valve operates to open at different predetermined timing, a light sensor array, and the light source surrounding the at least two apertures.

However, Street teaches a stereoscopic device comprising:

at least two apertures (Fig. 3, 41) including a light valve being operative to open at a different predetermined timing (col. 6, lines 34-50);

a light sensor array (32);

an illuminating unit (Fig. 1, 1);

wherein the light sensor array detects a plurality of images corresponding to an open state of a selected one of the light valves (col. 6, lines 26-64).

Art Unit: 2613

Iddan teaches an endoscope comprising a swallowable capsule (Fig. 2).

Pourcelot et al teaches an endoscope comprising an illuminating unit (Fig. 2, 19) surrounding the optical part of the probe for an optical illumination.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a system for producing a stereoscopic of an object as taught by Okada et al to incorporate the Street's teachings as above for generating a stereoscopic video signal, thereby improving an image quality, and also incorporate the Iddan's swallowable capsule for portability (wireless) and easily accessing an area of interest for stereoscopic imaging, and further incorporate the Pourcelot et al's illuminating unit so that the illuminating unit surrounds the at least two apertures in order to efficiently illuminate different range of wavelengths to a maximum level.

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Shawn S. An whose telephone number is 571-272-7324.

7. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Please note a new fax number

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SHAWN AN**  
**PRIMARY EXAMINER**

8/24/05